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# **ENVIRONMENTAL JUSTICE, URBAN REVITALIZATION, AND BROWNFIELDS:**

## **THE SEARCH FOR AUTHENTIC SIGNS OF HOPE**

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*The vision of environmental justice is the development of a holistic, bottom-up, community-based, multi-issue, cross-cutting, and integrative, and unifying paradigm for achieving healthy and sustainable communities--both urban and rural. In the context of ecological peril, economic dysfunction, infrastructure decay, racial polarization, social turmoil, cultural disorientation, and spiritual malaise which grips urban America at the end of the 20th century, environmental justice is indeed a much needed breath of fresh air. Tragically, many positive developments have been rendered invisible behind the curtain of a sensationalism-oriented mass media. However, there is no denying that great resilience exists in the economic, cultural, and spiritual life of America's communities. There are many stellar accomplishments, entrepreneurial successes, and significant victories--both big and small. Hence, an abiding goal of the Public Dialogues on Urban Revitalization and Brownfields was the **constant search for authentic signs of hope.***

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### **INTRODUCTION**

In 1995, the National Environmental Justice Advisory Council (NEJAC) Waste and Facility Siting Subcommittee and the U.S. Environmental Protection Agency (EPA) co-sponsored a series of public hearings entitled "Public Dialogues on Urban Revitalization and Brownfields: Envisioning Healthy and Sustainable Communities." NEJAC is the formal advisory committee convened by EPA to provide advice on issues of environmental justice. It consists of grassroots leaders from impacted communities, environmental justice scholars and advocates, and representatives from a broad range of stakeholder groups.

The NEJAC Waste and Facility Siting Subcommittee (hereafter referred to as the Subcommittee) is sponsored by EPA's Office of Solid Waste and Emergency Response (OSWER). OSWER was the first program office within the federal government to develop a comprehensive environmental justice strategy. Under the leadership of Assistant Administrator Elliot P. Laws, OSWER began the process of developing its environmental justice strategy prior to the signing by President Clinton of Executive Order 12898.<sup>1</sup>

Five Public Dialogues were held in Boston, Massachusetts; Philadelphia, Pennsylvania; Detroit, Michigan; Oakland, California; and Atlanta, Georgia. They were intended to provide, for the first time, an opportunity for environmental justice advocates and residents of impacted communities to **systematically contribute input** regarding issues related to EPA's Brownfields Economic Redevelopment Initiative. Over 500 persons from community groups, government agencies, faith

#### **National Environmental Justice Advisory Council (NEJAC)**

NEJAC is a federal advisory committee that was established on September 30, 1993 to provide independent advice, consultation, and recommendations to the EPA Administrator. Its members represent diverse stakeholder groups, including academia, industry, community groups, various non-governmental organizations, state and local governments, tribal organizations, and environmental organizations.

In 1994 and 1995, NEJAC consisted of four subcommittees: Health and Research, Enforcement, Public Participation and Accountability, and Waste and Facility Siting. In December 1995, two new subcommittees--International and Indigenous Peoples) were established. NEJAC is chaired by Mr. Richard Moore, Southwest Network for Environmental and Economic Justice.

groups, labor organizations, philanthropies, universities, banks, businesses, and other institutions participated in a "systematic attempt to stimulate a new and vigorous public discourse about developing strategies, partnerships, models, and projects for ensuring healthy and sustainable communities in America's urban centers and their importance to the nation's environmental and economic future." Representatives from 15 federal agencies, as well as state and local governments, participated in the meetings.

The Public Dialogues sought to provide an opportunity for environmental justice advocates and community-based groups in impacted areas (1) to become a visible and meaningful part of an already existing national discourse on issues related to Brownfields hazardous site cleanup and economic redevelopment, (2) to reshape in substantive ways the development of EPA's Brownfields Initiative, and (3) add a new dimension to public policy discourse on Brownfields and urban redevelopment. At the point that the Brownfields issue came to NEJAC's attention, most issues to be addressed, such as liability issues, seemed to be "developer-driven." Most, if not all, public policy discussion about Brownfields was shaped by a desire to effect changes in legislation, regulatory standards, and liability provisions to meet the concerns of prospective investors and developers. Most people in potentially impacted communities had never heard the term "Brownfields."<sup>2</sup> NEJAC found that given the opportunity to define the issues surrounding Brownfields, these communities would do so in very different ways.

The Public Dialogues sought to be community-driven in terms of planning, preparation, structure, and execution. They proceeded from the premise that a strong sense of collective concerns and aspirations already existed within many communities.

These comprise highly coherent and compelling visions of healthy and sustainable communities. Some communities have engaged in highly sophisticated community-based planning and visioning processes.

The Public Dialogues were structured into two tiers. First, communities articulated their concerns about the Brownfields initiative and their visions for achieving healthy and sustainable communities. Second, representatives of government agencies, as well as key social institutions such as labor, faith groups, universities, philanthropies, and business organizations, were asked to address the role they can play in helping to make the community's vision a reality. By structuring the Public Dialogues to model new forms of public participation, the

**Members of the  
WASTE AND FACILITY SITING  
SUBCOMMITTEE**

Mr. Charles Lee, **Chair**  
Ms. Jan Young, **DFO**

Ms. Dollie Burwell  
Ms. Sue Briggum  
Ms. Teresa Cordova  
Mr. Donald Elisburg  
Mr. Michael Guererro  
Mr. Tom Goldtooth  
Mr. David Hahn-Baker  
Ms. Lillian Kawasaki  
Mr. Tom Kennedy  
Mr. Scott Morrison  
Mr. Jon Sesso  
Mr. Lenny Siegel  
Ms. Connie Tucker  
Ms. Nathalie Walker

**Interagency Participation**

Among the Federal agencies present at the Public Dialogues were:

- ▶ U.S. Environmental Protection Agency
- ▶ U.S. Department of Transportation
- ▶ U.S. Department of Housing and Urban Development
- ▶ U.S. Department of Defense
- ▶ U.S. Department of Energy
- ▶ U.S. Department of Health and Human Services
- ▶ U.S. Department of Justice
- ▶ U.S. Department of Labor
- ▶ U.S. Department of Interior
- ▶ U.S. Department of Agriculture
- ▶ Centers for Disease Control and Prevention
- ▶ National Institute of Environmental Health Sciences
- ▶ Economic Development Administration
- ▶ U.S. Forestry Service
- ▶ National Institute for Occupational Safety and Health

Subcommittee was intent on putting the discourse about Brownfields issues into a context that the community both defines and articulates.

The Public Dialogues abide by the basic environmental justice tenet that "**people must speak for themselves**."<sup>3</sup> Therefore, in an effort to uphold the integrity of the testimony presented, the Subcommittee believes that to the degree possible, any resulting report would retain the voice of the speakers. To reduce the community presentations to the language of "techno-speak" effectively would have sanitized their message, rendered them devoid of conviction, and destroyed their interest. This would do disservice to community members who went to great efforts to participate. Perhaps more than any other single factor, the question of whose language is used determines whether or not a process is truly community-driven. To capture the community message therefore, community presentations are quoted extensively throughout this report. Although the report is long, the Subcommittee strongly urges readers to respect the community members by taking the time to seriously read their statements. This is necessary to work towards bridging the huge disconnect now existing between the public, government bureaucracy, and the decision-making process. In many ways, this report is also a collection of stories and perspectives. As such, it builds upon a rich oral tradition in communities and among peoples of color.

#### **APPLICATION OF THE NEJAC PUBLIC PARTICIPATION MODEL**

The planning and implementation of the *Public Dialogues on Urban Revitalization and Brownfields* attempted to "model" new forms of public participation by incorporating key elements of the Public Participation Model developed in October 1994 by the NEJAC Public Participation and Accountability Subcommittee. These elements included:

- ▶ Up-front community involvement in planning, preparation, and definition of issues
- ▶ Two-way, focused interactive dialogue on a given set of issues
- ▶ Fact-finding meetings held in communities other than Washington, D.C.
- ▶ Recognition of local community history which includes language, culture, and experience
- ▶ Exploration of ways to make use of non-governmental vehicles for public participation, such as NEJAC
- ▶ Finding new ways of building partnerships between communities, government, and other stakeholders
- ▶ A body of information and contacts left within communities
- ▶ Development of models which can be replicated
- ▶ Most importantly, an explicitly stated intention of the host agency to demonstrate that it listened to the community

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## BACKGROUND

EPA defines Brownfields as "abandoned, idled, or under-used industrial and commercial facilities where expansion or redevelopment is complicated by real or perceived environmental contamination." In January 1995, Administrator Carol Browner announced that EPA will fund 50 pilot projects across the country as part of its Brownfields Economic Redevelopment Initiative.

The EPA Brownfields Economic Redevelopment Initiative is a program which seeks to find ways to remove barriers to the return to beneficial reuse of properties whose redevelopment is complicated by environmental contamination--whether real or perceived. EPA's expressed hope is that these sites can become a source of jobs and help in restoring depleted tax bases. The U.S. General Accounting Office has estimated that such sites could number as many 450,000 across the country, including abandoned and/or underutilized warehouses, gas stations, and factories. For example, Eugenio Maria de Hostos Community College houses 5,500 students and provides a major institutional anchor for the South Bronx, New York. It was founded during the 1960's in an abandoned tire factory. Today, the facility would be classified as a successfully redeveloped Brownfields site. In Oakland, California, Preservation Park--a renovated development which is home to several non-profit organizations--stands as a symbol of hope and renewal in the midst of urban deterioration. It too would be classified as a successfully redeveloped Brownfields site.

The Subcommittee offered substantial input to the finalization of the OSWER *Environmental Justice Action Agenda*, published in June 1995. Recognizing OSWER's environmental justice strategy as a "living document," the Subcommittee adopted a Ten-Point Implementation Framework for OSWER's action agenda. Many of these implementation points are directly relevant to the Subcommittee's approach to its work around EPA's Brownfields action agenda. In its report to the NEJAC at the meeting held October 27, 1994 in Dulles, Virginia, the Subcommittee stated that:

*"[it] recognizes the cross-cutting nature of environmental justice and therefore sees the necessary limitations of program-specific, or even agency-specific, environmental justice strategies. However, environmental justice will be rendered meaningless if it is not actively integrated into all EPA programs and other agencies within the federal government. The Subcommittee set forth the challenge of attempting to offer a vision for an environmental protection policy in the 21st century--especially as it relates to major societal issues of our times. This compels a thoughtful critique of traditional policy constructs and program demarcations. Hence, the Subcommittee sees great value in effective usage of the Presidential Executive Order 12898 on environmental justice. Recognizing OSWER's unique position as the first program office to develop such a strategy, the Subcommittee urges OSWER to serve as a catalyst for such integration."*

The following points, outlined in the Framework, are directly relevant to the Brownfields Initiative:

- Comprehensive and interactive approaches to communications, outreach and public participation is a **hub** of environmental justice strategy implementation.
- Ensuring culturally diverse and community-driven training of agency personnel is critical to the agency's ability to serve all groups in an increasingly multiracial and multicultural society.
- Efforts must continue to build institutional infrastructure<sup>4</sup> for achieving environmental justice within OSWER and other related EPA programs; other federal agency programs; partnerships with state, local and tribal governments, community groups, and other stakeholders.
- An integrative Environmental Justice Model Demonstration Program approach should be used as the **template** for project implementation.

Concerns were raised by members of the public about the Brownfields Initiative, i.e., whether or not the Brownfields issue was a "smoke screen" for gutting cleanup standards, environmental regulations, and liability safeguards. Over the past three years, substantial national momentum had been building related to the Brownfields concept. For example, in 1995 the U.S. Conference of Mayors designated Brownfields as its No. 1 environmental priority. To a large extent, public policy related to the Brownfields issue revolved around removing barriers to real estate and investment transactions at sites where there exist toxic contamination concerns--real or perceived.

From the point of view of the Subcommittee and environmental justice advocates, EPA had received virtually no meaningful input from environmental justice advocates or residents from impacted communities about the Brownfields initiative. By 1994, EPA had initiated an environmental justice outreach and minority worker training program at the Cuyahoga County Community College in Cleveland, Ohio, which is linked to the Brownfields Pilot in Cuyahoga County.

However, in light of the breadth of the Brownfields issue, the Subcommittee clearly felt the effort did not accomplish environment justice; as the subcommittee noted, "EPA's Brownfields locomotive left the station without a major group of passengers." The Subcommittee's objectives in sponsoring the Public Dialogues were to achieve a meaningful role by environmental justice advocates and residents from potentially-impacted communities, and to initiate dialogue among stakeholder groups on addressing community goals.

At the same time, there was hope that the Brownfields Initiative could provide an opportunity to:

- stem the ecologically untenable, environmentally damaging, socially costly, and racially divisive phenomenon of urban sprawl, displacement of residents through gentrification, and Greenfields development
- provide focus to a problem which by its very nature is inextricably linked to environmental justice, for example, the physical deterioration of the nation's urban areas
- allow communities to offer their vision of what redevelopment should look like
- apply environmental justice principles to the development of a new generation of environmental policy capable of meeting complex challenges such as Brownfields and the existence of a severe crisis in urban America
- bring greater awareness and opportunities for building partnerships between EPA, communities and other stakeholders.

### **An Integrative Environmental Justice Model Demonstration Approach**

The Environmental Justice/Community Issues Working Group of the National Advisory Council on Environmental Policy and Technology (NACEPT) Superfund Evaluation Committee (1993) originally submitted to EPA a list of key elements. The list included integration of:

- ▶ formulation of policy and regulatory frameworks
- ▶ development of analytical tools, indicators, and protocols for environmental justice
- ▶ community-wide, multi-media, targeted geographic initiatives
- ▶ public health concerns of impacted communities and multiple, cumulative and synergistic risk
- ▶ built-in mechanisms for community participation and empowerment
- ▶ federal interagency cooperation
- ▶ economic redevelopment and sustainable community
- ▶ enhancement of community user-friendly pollution prevention and technology diffusion programs
- ▶ strategies for stakeholder involvement including labor, business, non-profit, philanthropic, and other institutional partners
- ▶ ongoing evaluation, coordination and integration of existing pilots and programs

**NATIONAL ENVIRONMENTAL JUSTICE ADVISORY COUNCIL**  
**Resolution on Environmental Justice and Urban Revitalization**

*Crystal City, Virginia*  
*July 25-26, 1995*

**WHEREAS** the nation confronts no more worthy, necessary, and compelling challenge than that of addressing the existence of a severe crisis in America's urban centers and the need for a new national commitment to urban revitalization;

**WHEREAS** the vision of environmental justice is the development of a holistic, bottoms-up, community-based, multi-faceted, cross-cutting, and integrative paradigm for achieving healthy and sustainable communities, both urban and rural;

**WHEREAS** the urban eco-system at the end of the twentieth century is comprised of four environments, i.e., the natural, built, social, and cultural/spiritual environments;

**WHEREAS** environmental justice is uniquely equipped to provide the visions, the frameworks, and the tools capable of meeting this great national challenge;

**WHEREAS** the urban crisis is fundamentally an ecological one, rooted in among other things the racial makeup of the structure of American cities; and

**WHEREAS** revitalizing urban America requires a unified and integrated strategy on the part of all federal agencies, in the spirit of a community-driven government reinvention process.

**THEREFORE SO BE IT RESOLVED** that the National Environmental Justice Advisory Council requests the Administrator of the U.S. Environmental Protection Agency to undertake the following action items:

- ▶ Provide leadership in stimulating a new and vigorous national public discourse over the compelling need to develop strategies for ensuring healthy and sustainable communities in America's urban centers and their importance to the nation's environmental and economic future.
- ▶ Perform a review of all EPA programs, both national and regional, to ensure the development of innovative, effective, equitable, and lasting strategies, partnerships, models, and pilot projects for achieving healthy and sustainable urban communities.
- ▶ Request that the development of one unified, integrated, and cross-cutting national strategy to address issues of urban revitalization and the development of healthy and sustainable urban communities be made a priority agenda item for the implementation of Executive Order 12898 and the work of the Federal Interagency Working Group on Environmental Justice.

As a result of the Public Dialogues, the National Environmental Justice Advisory Council adopted at its July 25-26, 1995 meeting in Crystal City, Virginia, a resolution entitled "Environmental Justice and Urban Revitalization."



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